



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Northeast Regional Office • 205B Lowell Street, Wilmington MA 01887 • 978-694-3200

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THIS IS AN ELECTRONIC FACSIMILE OF A DOCUMENT ON FILE AT MassDEP - NERO

December 9, 2016

Mr. William R. Howard, Jr.
Boston Gas Company
40 Sylvan Road
Waltham, MA 02451

Re: **BOSTON**
Transmittal No. X271532
Application No. NE-16-009
Class: SM50
FMF No. 372326
AIR QUALITY PLAN APPROVAL

Dear Mr. Howard:

The Massachusetts Department of Environmental Protection (“MassDEP”), Bureau of Air and Waste has reviewed your Non-major Comprehensive Plan Application (“Application”) listed above. This Application concerns the proposed construction of five new water/glycol Johnston heaters that will functionally replace three existing liquefied natural gas (LNG) submerged combustion vaporizers (SCV) at your Commercial Point LNG Facility, 220 Victory Road, Boston, Massachusetts (“Facility”). The application bears the seal and signature of George S. Lipka, Massachusetts Registered Professional Engineer Number 29704.

This Application was submitted in accordance with 310 CMR 7.02 Plan Approval and Emission Limitations as contained in 310 CMR 7.00 “Air Pollution Control” regulations adopted by MassDEP pursuant to the authority granted by Massachusetts General Laws, Chapter 111, Section 142 A-O, Chapter 21C, Section 4 and 6, and Chapter 21E, Section 6. MassDEP’s review of your Application has been limited to air pollution control regulation compliance and does not relieve you of the obligation to comply with any other regulatory requirements.

The Department has determined that your application is administratively and technically complete and that the Application is in conformance with current Air Pollution Control regulations and current air pollution control engineering practices, and hereby grants this **Plan Approval** for said Application, as submitted, subject to the conditions listed below.

Please review the entire Plan Approval, as it stipulates the conditions with which the Facility owner/operator (“Permittee”) must comply in order for the Facility to be operated in compliance with this Plan Approval.

1. DESCRIPTION OF FACILITY AND APPLICATION

The Permittee owns and operates the Commercial Point LNG Facility located in Dorchester, Massachusetts. The Facility's potential to emit (PTE) is less than 50 tons per year (tpy) for all criteria air pollutants, and less than 10 tpy for total hazardous air pollutants (HAP). Therefore, the Facility is not a "major source" with respect to Nonattainment New Source Review (NNSR) regulations, Prevention of Significant Deterioration (PSD) regulations, Title V Operating Permit regulations, or National Emissions Standards for Hazardous Air Pollutants (NESHAP).

The Facility operates as a peak-shaving plant to supplement pipeline gas supplies in periods of peak demand during winter cold snaps or other unexpected events that would cause an atypical rise in demand. The Facility typically operates chiefly during the non-ozone season of November to April.

Boston Gas submitted a Non-major Comprehensive Plan Approval (nmCPA) Application (Transmittal #X271532) for the installation and operation of five new Johnston heaters, which will supply heat to three new shell-and-tube heat exchangers that will vaporize LNG. These new water/glycol natural gas-fired heaters, designated H-8 through H-12, will functionally replace three existing Thermal Research 48-65 vaporizers. Each heater will be equipped with one Johnson "S" type ultra-low-NO_x burner. The proposed heaters are required to meet the Best Available Control Technology (BACT) emissions limitations, which are defined in Table 2 below.

The new LNG vaporization system will have total vaporization capacity of approximately 240 million standard cubic feet per day (MMscfd), equivalent to operating four of the five Johnston heaters, with the fifth heater serving as a spare unit. The system, which has the heaters connected to the heat exchangers, will be designed such that only two out of the three LNG shell-and-tube heat exchangers may operate at once, with the third exchanger serving as a spare unit.

This Plan Approval, Transmittal. No. X271532, supersedes:

- the Restricted Emission Status (RES) Approval (No. MBR-94-RES-102, Transmittal No. 91682), issued to the Permittee on April 4, 1996 for a facility-wide emissions restriction for oxides of nitrogen (NO_x); and
- the 50% Facility Emission Cap issued to the Permittee on September 4, 1997. This Plan Approval establishes a new facility-wide NO_x emission cap.

The Permittee has indicated that the Project is subject to CFR 60 Subpart Dc. Since MassDEP has not accepted delegation for Subpart Dc for sources which are not subject to 310 CMR Appendix C, the Permittee is advised to consult with EPA Region 1 at 5 Post Office Square, Suite 100, Boston, MA 02109-3912, telephone: (617) 918-1111.

2. **EMISSION UNIT IDENTIFICATION**

Each Emission Unit (EU) identified in Table 1 is subject to and regulated by this Plan Approval. Emission units H-8 through H-12 are proposed new units, while the remaining emissions units are existing units.

Table 1			
EU#	Description	Maximum Energy Heat Input	Pollution Control Device (PCD)
H-8 through H-12	Five proposed Johnston 509 Series package fire tube water/glycol heaters, Model PFTSTJ1100-4G150WG	43.226 MMBtu/hr for each boiler	Johnson “S” type ultra-low NO _x burner (PCD1 through 5)
G-1, G-2, and G-3 ¹	Three existing Emergency Caterpillar Model 3412C LE gas engines	5.24 MMBtu/hr for each engine	None
G-4 ²	Existing Capstone 65C-HG4-DH100 micro turbine	871,000 Btu/hr (65 kW)	None
B-1 ³	Existing Cleaver Brooks boiler Model CBH761-70	2.929 MMBtu/hr	low NO _x burner
B-2 ³	Existing Cyclotherm boiler Model C4400-C-N	5.235 MMBtu/hr	low NO _x burner
H-6 and H-7 ⁴	Existing Teri heater Model 3	3.0 MMBtu/hr	low NO _x burner

Table 1 Key

EU# = emission unit number

PCD = pollution control device

MMBtu/hr = million British Thermal Units per hour

Table 1 Footnotes

¹G-1, G-2 and G-3 units are certified under the Environmental Results Program (ERP) Regulations 310 CMR 7.26(42) Emergency Engines and Turbines.

²G-4 is certified under the ERP Regulations 310 CMR 7.26(43) – Engines and Turbines.

³B-1 and B-2 were originally approved under the Restricted Emissions Status approval, MBR-94-RES-102.

⁴H-6 and H-7 are exempted under Regulation 310 CMR 7.02(2)(b)15 – Exemption from Plan Approval.

3. APPLICABLE REQUIREMENTS

A. OPERATIONAL, PRODUCTION AND EMISSION LIMITS

The Permittee is subject to, and shall not exceed the Operational, Production and Emission Limits as contained in Table 2 below:

Table 2			
EU#	Operational Limit	Air Contaminant	Emission Limits
H-8 through H-12	Maximum fuel use is 1,059,460,000 scf of natural gas for all five emission units combined (which is equivalent to 5,000 operating hours per unit) per rolling 12-month period.	NO _x	9.0 ppmvd 0.011 lb/mmBtu
		CO	47 ppmvd 0.035 lb/mmBtu
		PM/PM ₁₀ /PM _{2.5}	0.005 lb/mmBtu
		VOC	0.005 lb/mmBtu
		SO ₂	0.0014 lb/mmBtu
G-1, G-2, G-3	Maximum operating hours of 300 hours per rolling 12-month period per engine	NO _x	5.4 gm/bhp-hr
		CO	2.1 gm/bhp-hr
		PM/PM ₁₀ /PM _{2.5}	0.01 lb/mmBtu
		VOC	0.87 gm/ghp-hr
		SO ₂	0.0014 lb/mmBtu
G-4		NO _x	0.015 lb/mmBtu
		CO	0.018 lb/mmBtu
		PM/PM ₁₀ /PM _{2.5}	0.0066 lb/mmBtu
		VOC	0.004 lb/mmBtu
		SO ₂	0.0014 lb/mmBtu
B-1		NO _x	0.12 lb/mmBtu
		CO	0.15 lb/mmBtu
		PM/PM ₁₀ /PM _{2.5}	0.01 lb/mmBtu
		VOC	0.016 lb/mmBtu
		SO ₂	0.014 lb/mmBtu
B-2		NO _x	0.0098 lb/mmBtu
		CO	0.082 lb/mmBtu
		PM/PM ₁₀ /PM _{2.5}	0.0075 lb/mmBtu
		VOC	0.0054 lb/mmBtu
		SO ₂	0.0014 lb/mmBtu
H-6, H-7		NO _x	0.117 lb/mmBtu
		CO	0.082 lb/mmBtu
		PM/PM ₁₀ /PM _{2.5}	0.0075 lb/mmBtu
		VOC	0.0054 lb/mmBtu
		SO ₂	0.0014 lb/mmBtu

Table 2			
EU#	Operational Limit	Air Contaminant	Emission Limits
Facility-wide		NO _x	14.53 TPY
		CO	26.03 TPY
		PM/PM ₁₀ /PM _{2.5}	3.24 TPY
		VOC	3.69 TPY
		SO ₂	0.85 TPY

Table 2 Key

scf = standard cubic feet

lb/mmBtu = pounds per million British Thermal Units; gm/bhp-hr = grams per brake horsepower-hour

ppmvd = parts per million, dry volume basis and referenced to 3 percent oxygen

TPY = tons per rolling 12 month period

PM = total particulate matter

PM₁₀ = particulate matter less than or equal to 10 microns in diameter

PM_{2.5} = particulate matter less than or equal to 2.5 microns in diameter

NO_x = Nitrogen Oxides

CO = Carbon Monoxide

SO₂ = Sulfur Dioxide

CO₂ = Carbon Dioxide

B. COMPLIANCE DEMONSTRATION

The Permittee is subject to, and shall comply with, the monitoring, testing, recordkeeping, and reporting requirements as contained in Tables 3, 4, and 5 below:

Table 3	
EU#	Monitoring and Testing Requirements
H-6 through H-12, B-1, B-2, G-4	1. Monitor the cumulative gas flow in standard cubic feet on a monthly and rolling 12-month basis.
G-1, G-2, G-3	2. Monitor the cumulative hours of operation on a monthly and rolling 12-month basis.
H-6 through H-12, B-1, B-2	3. In accordance with 310 CMR 7.04(4)(a), each fuel utilization facility shall be inspected and maintained in accordance with the manufacturer's recommendations and tested for efficient operation at least once in each calendar year. The results of said inspection, maintenance and testing and the date upon which it was performed shall be recorded and posted conspicuously on or near the permitted equipment.
Facility-wide	4. If and when MassDEP requires it, the Permittee shall conduct emission testing in accordance with USEPA Reference Test Methods and regulation 310 CMR 7.13.
	5. The Permittee shall monitor all operations to ensure sufficient information is available to comply with 310 CMR 7.12 Source Registration.

Table 3	
EU#	Monitoring and Testing Requirements
Facility-wide	6. At least 45 days prior to emission testing, the Permittee shall submit to MassDEP for approval a stack emission test protocol.

Table 3 Key:

EU# = Emission Unit Number

Table 4	
EU#	Recordkeeping Requirements
H-6 through H-12, B-1, B-2, G-4	1. Record the cumulative gas flow in standard cubic feet on a monthly and 12 month rolling basis.
G-1, G-2, G-3	2. Record the cumulative hours of operation on a monthly and 12 month rolling basis.
Facility-wide	3. The Permittee shall maintain adequate records on-site to demonstrate compliance status with all operational, production, and emission limits contained in Table 2 above. Records shall also include the actual emissions of air contaminant(s) emitted for each calendar month and for each consecutive twelve-month period (current month plus prior eleven months). These records shall be compiled no later than the 15 th day following each month. An electronic version of the MassDEP approved record keeping form, in Microsoft Excel format, can be downloaded at http://www.mass.gov/eea/agencies/massdep/air/approvals/limited-emissions-record-keeping-and-reporting.html#WorkbookforReportingOn-SiteRecordKeeping .
	4. The Permittee shall maintain records of monitoring and testing as required by Table 3.
	5. The Permittee shall maintain a copy of this Plan Approval, underlying Application and the most up-to-date Standard Operating and Maintenance Procedure (SOMP) for the Emission Units approved herein on-site.
	6. The Permittee shall maintain a record of routine maintenance activities performed on the approved EU(s). The records shall include, at a minimum, the type or a description of the maintenance performed and the date and time the work was completed.
	7. The Permittee shall maintain a record of all malfunctions affecting air contaminant emission rates on the approved EU(s). At a minimum, the records shall include: date and time the malfunction occurred; description of the malfunction; corrective actions taken; the date and time corrective actions were initiated and completed; and the date and time emission rates and monitoring equipment returned to compliant operation.

Table 4	
EU#	Recordkeeping Requirements
	8. The Permittee shall maintain records to ensure sufficient information is available to comply with 310 CMR 7.12 Source Registration.
	9. The Permittee shall maintain records required by this Plan Approval on-site for a minimum of five (5) years.
	10. Make records required by this Plan Approval available to MassDEP and USEPA personnel upon request.

Table 4 Key:

EU# = Emission Unit Number

Table 5	
EU#	Reporting Requirements
H-8 through H-12	1. The Permittee shall promptly notify the MassDEP of the date of commencement of construction and the date of actual startup for each emission unit.
Facility-wide	2. Notify the Northeast Regional Office of MassDEP, Bureau of Air and Waste (BAW), Permit Chief by telephone at 978-694-3200, email at nero.air@state.ma.us , fax at 978-694-3499, as soon as possible, but no later than three (3) business days after discovery of an exceedance(s) of Table 2 requirements. A written report shall be submitted to the Permit Chief at MassDEP within ten (10) business days thereafter and shall include: identification of exceedance(s), duration of exceedance(s), reason for the exceedance(s), corrective actions taken, and action plan to prevent future exceedance(s).
	3. Submit to MassDEP all information required by this Plan Approval over the signature of a "Responsible Official" as defined in 310 CMR 7.00 and shall include the Certification statement as provided in 310 CMR 7.01(2)(c).
	4. The Permittee shall report every three years to MassDEP, in accordance with 310 CMR 7.12, all information as required by the Source Registration/Emission Statement Form. The Permittee shall note that any minor changes such as under 310 CMR 7.02(2)(e), 7.03 and/or 7.26, do not require Plan Approval.
	5. Provide a copy to MassDEP of any record required to be maintained by this Plan Approval within 30-days from MassDEP's request.
	6. Submit to MassDEP for approval a stack emission test protocol, at least 45 days prior to emission testing, for emission testing as defined in Table 3 'Monitoring and Testing Requirements'.

Table 5	
EU#	Reporting Requirements
Facility-wide	7. Submit to MassDEP a final stack emission test results report, within 45 days after emission testing, for emission testing as defined in Table 3 'Monitoring and Testing Requirements'.

Table 5 Key:

EU# = Emission Unit Number

4. SPECIAL TERMS AND CONDITIONS

The Permittee is subject to, and shall comply with the following special terms and conditions:

A. The Permittee shall comply with the Special Terms and Conditions as contained in Table 6 below:

Table 6	
EU#	Special Terms and Conditions
H-8 through H-12	1. The Permittee has indicated that the proposed emission units are subject to 40 CFR 60 Subpart Dc. Since MassDEP has not accepted delegation for Subpart Dc for sources which are not subject to 310 CMR Appendix C, the Permittee is advised to consult with EPA Region I at 5 Post Office Square, Suite 100, Boston, MA 02109-3912, telephone: (617) 918-1111. Other applicable requirements may include notification, recordkeeping and reporting requirements.
Facility-wide	2. This Plan Approval, Transmittal. No. X271532, supersedes the Restricted Emission Status (RES) Approval (No. MBR-94-RES-102, Transmittal No. 91682), issued to the Permittee on April 4, 1996 and the 50 percent Facility Emission Cap letter issued to the Permittee on September 4, 1997.
	3. No person shall operate a facility constructed, substantially reconstructed, or altered pursuant to 310 CMR 7.02(3)f except in conformance with the requirements established therein and in conformance with the specific written plan approval requirements.

Table 6 Key:

EU# = Emission Unit Number

CFR = Code of Federal Regulations

CMR = Commonwealth of Massachusetts

- B. The Permittee shall install and use an exhaust stack, as required in Table 7, on each Emission Unit that is consistent with good air pollution control engineering practice and that discharges so as to not cause or contribute to a condition of air pollution. Each exhaust stack shall be configured to discharge the gases vertically and shall not be equipped with any part or device that restricts the vertical exhaust flow of the emitted gases, including but not limited to rain protection devices known as "shanty caps" and "egg beaters." The Permittee shall install and utilize an exhaust stack with the following parameters, as contained in Table 7 below, for the Emission Unit that is regulated by this Plan Approval:

Table 7				
EU#	Stack Height Above Ground (feet)	Stack Inside Exit Dimensions (feet)	Stack Gas Exit Velocity Range (feet per second)	Stack Gas Exit Temperature Range (°F)
H-8 through H-12 ¹	36.0	3.0	38.1	210
G-1 through G-3 ²	25.0	0.67	140.2	652
G-4	21.0	0.79	27.0	588
B-1	24.0	1.08	14.5	240
B-2	15.0	1.33	38.2	1100
H-6	24.0	2.0	4.5	160
H-7	24.0	2.0	4.5	160

Table 7 Key:

EU# = Emission Unit Number
°F = Degree Fahrenheit

Table 7 Notes:

- ¹Each emission unit has its own separate stack.
²Each emission unit has its own separate stack.

C. NOISE IMPACT ANALYSIS

The noise impact analysis was conducted to demonstrate compliance with the MassDEP Noise Policy¹, which interprets a violation of the state noise regulation, 310 CMR 7.10, as to have occurred if the source causes either of the two conditions:

1. An increase in the broadband sound pressure level of more than 10 dBA above the ambient, or
2. A “pure tone” condition.

Ambient is defined as the background A-weighted sound level² that is exceeded 90 percent of the time, measured during equipment operating hours (L₉₀). A “pure tone” condition

¹ The MassDEP Noise Policy is stated in the Division of Air Quality Control Policy Statement 90-001, date February 1, 1990.

occurs when any octave band sound pressure level exceeds both of the two adjacent octave band sound pressure levels by 3dB or more.

To address the first condition of the Noise Policy, Boston Gas conducted a baseline sound survey to document the existing ambient sound level in the vicinity of the Commercial Point Facility. The analysis used five nearby noise sensitive areas (NSAs) to be used to determine existing noise conditions within each geographic direction surrounding the site. The results of the ambient baseline sound measurement level, predicted sound level contribution from the existing and proposed equipment during full load operation and an assessment of the potential increase from noise impacts during the normal operation of the existing and proposed equipment at the nearby NSAs are summarized and tabulated in Table 8 below.

The noise impact analysis demonstrates that the first condition, which requires no more than a 10 dBA increase in sound level above the existing ambient sound level, has been met.

Table 8				
Noise Sensitive Area (NSA)	Nighttime Ambient Sound Level, L ₉₀ (dBA)	Sound Level Contribution from Existing and Proposed Equipment (dBA)	Total Sound Level (Ambient + Project) (dBA)	Increase above Existing Ambient Sound Level (dBA)
NSA-1	48	47	51	3
NSA-2	46	46	49	3
NSA-3	41	37	42	1
NSA-4	46	31	46	<1
NSA-5	41	30	41	<1

Table 8 Notes:

1. L₉₀ is referred to as the background sound level and it excludes short-term intrusive noise event. L90 is the statistical level that is the level exceeded during 90 percent of the measurement period.
2. dBA is referred to as A-weighted decibels.
3. NSA-1 is located south of the site and is representative of the property line and within close proximity to the adjacent Old Colony Yacht Club.
4. NSA-2 is located west of the site and along Ashland Street including several residences.
5. NSA-3 is located north of the site and along Savin Hill Avenue including several residences.
6. NSA-4 is located northeast across the water and within the UMass Boston community.
7. NSA-5 is located east and across the water and within the Marina Bay community.
8. Nighttime ambient sound levels were measured during the period from 12 midnight to 4 am.

² The A-weighted filter is applied to compensate for the frequency response of the human auditory system. The dBA number mimics the human ear's perception of the sound.

Next, to address the second condition of the Noise Policy, Boston Gas conducted an analysis of received octave band sound pressure levels at each NSA resulting from the existing and proposed equipment during full load operation. The results of that analysis demonstrate that the second condition, which prohibits a “pure tone” condition from being caused, has been met.

The baseline sound survey identified an existing tonal condition for the 63 Hz octave band at NSA-5, but demonstrated that this existing “pure tone” is not caused by contributions from the Facility. The octave band results for the baseline sound survey are presented in Table 9 below.

Table 9					
Octave Bands (Hz)	NSA-1 (dB)	NSA-2 (dB)	NSA-3 (dB)	NSA-4 (dB)	NSA-5 (dB)
31.5	50	51	47	53	47
63	52	52	48	53	52
125	49	48	42	50	49
250	40	41	38	45	43
500	40	42	37	43	39
1,000	45	44	38	43	34
2,000	41	36	27	31	25
4,000	33	23	14	15	17
8,000	16	11	9	7	10

Table 9 Notes

Hz = Hertz is unit of frequency that measures the cycles per second of the sound pressure waves.
dB = sound levels measured in decibels

The expected neighborhood sound pressure levels after installation and operation of the Proposed Project is given in Table 10 below:

Table 10					
Octave Bands (Hz)	NSA-1 (dB)	NSA-2 (dB)	NSA-3 (dB)	NSA-4 (dB)	NSA-5 (dB)
31.5	64	61	57	54	50
63	62	62	55	55	54
125	56	55	47	51	50
250	47	45	39	45	43
500	45	45	38	43	39
1,000	46	45	39	43	34
2,000	43	40	30	31	25
4,000	38	35	15	15	17
8,000	23	15	9	7	10

Table 10 Notes

Hz = Hertz is unit of frequency that measures the cycles per second of the sound pressure waves.
dB = sound levels measured in decibels

The noise impact analysis demonstrates that the second condition, which requires no “pure tone” condition from the proposed emissions units and/or the Facility, has been satisfied.

D. AIR QUALITY MODELING IMPACT ANALYSIS

The purpose of the air quality impact analysis is used to assess the facility’s maximum predicted ground level pollutant concentration for compliance with applicable state and National Ambient Air Quality Standards (NAAQS).

The Permittee’s air quality modeling analysis, using the USEPA approved computer dispersion model AERMOD predicted that the operation of new emissions units, H-8 through H-12 along with the existing facility equipment will not cause an exceedance of any applicable state standards and NAAQS.

4. GENERAL CONDITIONS

The Permittee is subject to, and shall comply with, the following general conditions:

- A. Pursuant to 310 CMR 7.01, 7.02, 7.09 and 7.10, should any nuisance condition(s), including but not limited to smoke, dust, odor or noise, occur as the result of the operation of the Facility, then the Permittee shall immediately take appropriate steps including shutdown, if necessary, to abate said nuisance condition(s).
- B. If asbestos remediation/removal will occur as a result of the approved construction, reconstruction, or alteration of this Facility, the Permittee shall ensure that all removal/remediation of asbestos shall be done in accordance with 310 CMR 7.15 in its entirety and 310 CMR 4.00.
- C. If construction or demolition of an industrial, commercial or institutional building will occur as a result of the approved construction, reconstruction, or alteration of this Facility, the Permittee shall ensure that said construction or demolition shall be done in accordance with 310 CMR 7.09(2) and 310 CMR 4.00.
- D. Pursuant to 310 CMR 7.01(2)(b) and 7.02(7)(b), the Permittee shall allow MassDEP and / or USEPA personnel access to the Facility, buildings, and all pertinent records for the purpose of making inspections and surveys, collecting samples, obtaining data, and reviewing records.
- E. This Plan Approval does not negate the responsibility of the Permittee to comply with any other applicable Federal, State, or local regulations now or in the future.

- F. Should there be any differences between the Application and this Plan Approval, the Plan Approval shall govern.
- G. Pursuant to 310 CMR 7.02(3)(k), MassDEP may revoke this Plan Approval if the construction work is not commenced within two years from the date of issuance of this Plan Approval, or if the construction work is suspended for one year or more.
- H. This Plan Approval may be suspended, modified, or revoked by MassDEP if MassDEP determines that any condition or part of this Plan Approval is being violated.
- I. This Plan Approval may be modified or amended when in the opinion of MassDEP such is necessary or appropriate to clarify the Plan Approval conditions or after consideration of a written request by the Permittee to amend the Plan Approval conditions.
- J. The Permittee shall conduct emission testing, if requested by MassDEP, in accordance with USEPA Reference Test Methods and regulation 310 CMR 7.13. If required, a pretest protocol report shall be submitted to MassDEP at least 30 days prior to emission testing and the final test results report shall be submitted within 45 days after emission testing.
- K. Pursuant to 310 CMR 7.01(3) and 7.02(3)(f), the Permittee shall comply with all conditions contained in this Plan Approval. Should there be any differences between provisions contained in the General Conditions and provisions contained elsewhere in the Plan Approval, the latter shall govern.

5. MASSACHUSETTS ENVIRONMENTAL POLICY ACT

MassDEP has determined that the filing of an Environmental Notification Form (ENF) with the Secretary of Energy & Environmental Affairs, for air quality control purposes, was not required prior to this action by MassDEP. Notwithstanding this determination, the Massachusetts Environmental Policy Act (MEPA) and 301 CMR 11.00, Section 11.04, provide certain "Fail-Safe Provisions," which allow the Secretary to require the filing of an ENF and/or an Environmental Impact Report (EIR) at a later time.

6. APPEAL PROCESS

This Plan Approval is an action of MassDEP. If you are aggrieved by this action, you may request an adjudicatory hearing. A request for a hearing must be made in writing and postmarked within twenty-one (21) days of the date of issuance of this Plan Approval.

Under 310 CMR 1.01(6)(b), the request must state clearly and concisely the facts, which are the grounds for the request, and the relief sought. Additionally, the request must state why the Plan Approval is not consistent with applicable laws and regulations.

The hearing request along with a valid check payable to the Commonwealth of Massachusetts in the amount of one hundred dollars (\$100.00) must be mailed to:

Commonwealth of Massachusetts
Department of Environmental Protection
P.O. Box 4062
Boston, MA 02211

This request will be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver as described below. The filing fee is not required if the appellant is a city or town (or municipal agency), county, or district of the Commonwealth of Massachusetts, or a municipal housing authority.

MassDEP may waive the adjudicatory hearing-filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, together with the hearing request as provided above, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Should you have any questions concerning this Plan Approval, please contact Joseph Su by telephone at 978-694-3200, or in writing at the letterhead address.

Sincerely,

This final document copy is being provided to you electronically by the
Department of Environmental Protection. A signed copy of this document
is on file at the DEP office listed on the letterhead.

Susan Ruch
Deputy Regional Director
and Acting Permit Chief

Edward Braczyk
Senior Environmental Engineer

Joseph Su
Environmental Engineer

Enclosure

ecc: Boston Gas Company – William.howard@nationalgrid.com
Tetrattech – Chris.L.Williams@tetrattech.com
Boston Public Health Commission – boardofhealth@bphc.org
Boston Fire Department – JenniferR.bfd@ci.boston.ma.us
MassDEP/Boston - Yi Tian
MassDEP/NERO – Edward Braczyk, Joseph Su, Martha Bolis
MassDEP/NERO - File